

**HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
HON'BLE SRI JUSTICE D.APPA RAO**

WRIT APPEAL NO.2178 OF 2005

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Date:22nd August 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28.01.2005 in W.P.No.22281 of 2004 on the file of the High Court)

Between:

The A.P. Residential Educational
Institutions Society, rep. by its
Secretary, III Floor, Gagan Vihar,
Nampally, Hyderabad.

.... Appellant

And

J.Lucy, wife of Govardhan.

... Respondent.

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- **JUDGMENT:** (Per Hon'ble Sri Justice B.Prakash Rao)

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The appellant herein, which is the management, seeks to assail by way of this appeal under Clause 15 of the Letters Patent, the orders of the learned Single Judge in W.P.No.22281 of 2004 dated 28.01.2005, allowing the writ filed by him seeking for Mandamus declaring the impugned order dated 01.11.2004, as illegal.

2. Heard Sri Vijaya Bhaskar Moola, learned counsel appearing on behalf of the appellant and Sri Kasa Jaganmohan Reddy, learned counsel appearing on behalf of the respondent.

3. The few facts which are necessary for disposal of this appeal are that the respondent has been working as Trained Graduate Teacher since 1985 with qualification of B.Sc., and B.Ed., in Bio-science. Later to her appointment, she acquired M.A. in English Literature, and therefore, she claimed that she is entitled for promotion to the post-graduate teacher in English. This case has chequered events. In regard to promotions to the post of P.G.T., on the earlier occasion several similar such candidates who have been denied of their promotion filed W.P.No.20533 of

1995 and batch, which was allowed by a Division Bench of this Court on 24.10.1997. Later, the petitioner also filed W.P.No.21559 of 1999 for the same relief which was allowed. However, the same was set aside by the Division Bench of this Court in W.A.No.993 of 2000 rejecting her claim on the ground that she was not possessed B.Ed. in English Methodology. Therefore, according to the respondent, she had to pursue and prosecute B.Ed., in English and diploma course in English language from Osmania University, and thus, on such acquisition she having been fully qualified now, submitted a representation on 03.3.2004. However, since no orders forthcoming, she filed W.P.No.14197 of 2004 which was allowed directing the appellant to consider her case. Yet, no action was taken, hence, the writ petition.

4. Reiterating aforesaid events, the appellant contested the claim of the respondent stating that she is not entitled to any such promotion, especially it amounts to a cross-promotion, and further the standing committee has taken a decision on 27th March 1996 not to give cross-promotions and the same was confirmed in the Board of Governors meeting held on 15th March 1997. Therefore, she is not entitled to any such relief.

5. On considering relevant submissions on either side, the learned Single Judge allowed the writ petition *inter alia* following the judgment of the Division Bench of this Court in W.P.No.20533 of 1995 and batch as aforesaid wherein also similar such objection to the effect that standing committee was against giving cross-promotions, was taken note of and it was not accepted.

6. The other objection raised on behalf of the appellant that having failed in more than one occasion earlier, the present writ is

not found favour. Even in regard to want of qualification, it was found that the respondent is fully qualified, and thus, entitled to the promotion. Therefore, holding so, the learned Single Judge directed to consider the promotion of the respondent without insisting on teaching experience in the relevant subject, subject to the suitability and fulfillment of other criteria and availability of vacancies from the date of acquiring necessary qualification i.e., B.Ed., in English Methodology.

7. Having considered in detail the relevant submissions made on either side and also perusal of material, the only main objection taken in this appeal as against the said orders of the learned Single Judge is to the effect that the respondent does not possess teaching experience in concerned subject of Methodology and further having regard to the decision of their Body not to effect cross-promotion, the claim of the respondent could not have been accepted. No doubt, the respondent has stated more than one occasion in her attempt along with several other similarly placed persons in seeking for promotion only for want of other qualification and ultimately was having qualification which is not in dispute. It cannot be said that the respondent is not entitled for any such promotion. Further, in regard to the decision taken by them against the cross-promotions such a plea has already negatived by this Court in the aforesaid earlier decision. No other reason has been pointed out on behalf of the appellant nor any other valid legally sustainability had been pointed out to come to a different conclusion. We are in entire agreement that earlier decision and the present objection taken in regard to the cross-promotions and also the qualification, do not hold any water as rightly held by the learned Single Judge. We are also in complete

agreement with the reason given by the learned Single Judge to the effect that having acquired qualification, the respondent is duly entitled for such promotion.

8. In view of the same, we do not find any substance in any of the contentions raised on behalf of the appellant and hence, there are no merits in the above appeal. The appeal fails and accordingly stands dismissed.

B.PRAKASH RAO, J.

D.APPA RAO, J.

Date:22-8-2006.
BSB